

REMARKS

Claims 7-9 and 69-76 are pending.

§ 103 Rejections

According to the Office Action, Claims 7-9 and 69-76 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shore (U.S. Patent Application Publication No. 2003/0149662) in view of Ali et al. (“Ali;” U.S. Patent No. 5,896,411), “Bluetooth Technology Set to Re-define the Personal Communications Market” (“Phillips Business”) and “ASAP to Enable E-commerce Companies to Go WAP!” (“Business Editors”). The Applicants have reviewed the cited references and respectfully submit that the embodiments of the present claimed invention recited in Claims 7-9 and 69-76 are not shown or suggested by the cited references, alone or in combination.

As discussed in detail below, Applicants submit that: 1. a *prima facie* case of obviousness has not been made; and 2. the cited references do not show or suggest all of the claimed features and do not teach that which they are relied upon as teaching.

1. A Prima Facie Case of Obviousness Has Not Been Made

It is well-established that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. Based on the following, Applicants respectfully assert that a *prima facie* case of obviousness has not been made.

In the Office Action response preceding this response, independent

Claims 7, 69, and 72 were amended to recite new features. Specifically, the independent claims were amended to recite, respectively, a system, instruction, and method to “display the vendor device’s display interface on the mobile device, … the vendor device’s display interface comprising a listing of products offered through the vendor device.”

There is no discussion of these features in the Office Action in view of the cited references. That is, the Office Action fails to address those features in the discussion of the claims versus the cited references, and fails to identify which part of the cited references discloses those features. In the Office Action response preceding this response, Applicants presented arguments that there is no teaching in the references of those features; as just presented, the instant Office Action offers no rebuttal with regard to those specific features. While the Office Action provides a general discussion of the cited references in view of other claim features, the Office Action fails to provide any rationale with regard to how that discussion is to be applied to the specific features recited above.

For these reasons, Applicants contend that the Office Action does not provide factual support for a *prima facie* case of obviousness and, therefore, an element necessary for making such a case is missing. Accordingly, Applicants submit that a *prima facie* case of obviousness has not been made.

2. The Cited References Do Not Show or Suggest All of the Claimed Features and Do Not Teach That Which They Are Relied Upon as Teaching

Applicants respectfully submit that neither Shore nor Ali nor Phillips Business nor Business Editors, nor any combination thereof, shows or suggests

“a logic mechanism coupled to the computer and vendor device and configured to cause execution of a program to control a wireless mobile device’s display functions to display the vendor device’s display interface on the mobile device, the control occurring via the wireless transmission port of the computer and a compatible wireless transmission port on the wireless mobile device automatically in response to the wireless mobile device entering into transmission range of the computer’s wireless transmission port, the vendor device’s display interface comprising a listing of products offered through the vendor device” as recited in independent Claim 7 (emphases added) and as similarly recited in independent Claims 69 and 72.

More specifically, Applicants respectfully agree with the statement on page 4 of the Office Action that Shore fails to disclose a program to take control of a wireless mobile device’s menuing, interaction, and display functions and also fails to disclose taking control of a wireless mobile device when the wireless mobile device enters a range of a product device. Phillips Business is relied upon as teaching these features. Specifically, according to the Office Action (page 5), Phillips Business discloses “an easier way for a variety of mobile computing, communications and other devices to communicate with one another to make wireless connections to the Internet, and to take control of the wireless mobile device’s menuing, interaction and display functions [see page 2 of the Phillips Business Information Communications]” (emphasis added).

However, Applicants respectfully assert Phillips Business does not in fact disclose the text underlined above. Applicants respectfully request the Examiner to specifically identify (e.g., by page and line number) where Phillips Business

discloses “an easier way … to take control of the wireless mobile device’s menuing, interaction and display functions.”

Also, the Office Action provides only a general assertion that the text underlined above is disclosed by Phillips Business but does not provide any supporting rationale. Applicants respectfully request that the Examiner provide additional information supporting the conclusion that Phillips Business discloses “an easier way … to take control of the wireless mobile device’s menuing, interaction and display functions.” That is, Applicants respectfully request that the Examiner provide information regarding the line of reasoning that is applied that would allow one to conclude that Phillips Business can be extrapolated to teach “an easier way … to take control of the wireless mobile device’s menuing, interaction and display functions.”

Moreover, as presented in the first set of remarks, the instant Office Action does not address all of the claim features (namely, a system, instruction, or method to “display the vendor device’s display interface on the mobile device, … the vendor device’s display interface comprising a listing of products offered through the vendor device”).

Nevertheless, regardless of the shortcomings of the Office Action, Applicants find no teaching or suggestion of those claim features in the cited references, for the reasons presented in the previous Office Action response. To reiterate, to the extent that the cited references teach the use of a wireless device to make or effect a payment, Applicants respectfully assert that those references do not teach or suggest “[displaying] the vendor device’s display

interface on the mobile device, ... the vendor device's display interface comprising a listing of products offered through the vendor device" as recited in the independent claims.

3. Summary

For any or all of the reasons presented above, Applicants respectfully submit that independent Claims 7, 69, and 72 traverse the basis for rejection under 35 U.S.C. § 103(a) and are allowable.

Each of the Claims 8 and 9 includes all of the features of independent Claim 7 plus additional features. Each of the Claims 70, 71, and 75 includes all of the features of independent Claim 69 plus additional features. Each of the Claims 73, 74, and 76 includes all of the features of independent Claim 72 plus additional features. Applicants respectfully submit that the cited references, alone or in combination, do not show or suggest the features of Claims 8, 9, 70, 71, and 73-76 in combination with the features of their respective base claim, and also that Claims 8, 9, 70, 71, and 73-76 are in condition for allowance at least because they depend from an allowable claim.

In summary, the Applicants respectfully assert that the basis for rejecting Claims 7-9 and 69-76 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 7-9 and 69-76 overcome the

rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of this application.

Please charge any fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,
MURABITO HAO & BARNES LLP

Dated: November 30, 2010

/William A. Zarbis/

Address: William A. Zarbis
Phone: Registration No. 46,120
Two North Market Street, 3rd Floor
San Jose, CA 95113
(408) 938-9080 Ext. 113